

An Act

HOUSE BILL 19-1009

BY REPRESENTATIVE(S) Kennedy and Singer, Arndt, Bird, Buckner, Caraveo, Cutter, Duran, Esgar, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Sirota, Snyder, Sullivan, Tipper, Titone, Weissman, Becker, Benavidez, Buentello, Kipp, Valdez A.;

also SENATOR(S) Priola and Pettersen, Bridges, Fenberg, Foote, Ginal, Gonzales, Lee, Moreno, Story, Todd, Winter, Zenzinger, Garcia.

CONCERNING SUPPORTS FOR PERSONS RECOVERING FROM SUBSTANCE USE DISORDERS, AND, IN CONNECTION THEREWITH, EXPANDING A PROGRAM IN THE DEPARTMENT OF LOCAL AFFAIRS THAT PROVIDES VOUCHERS FOR HOUSING ASSISTANCE TO CERTAIN INDIVIDUALS, CREATING STANDARDS FOR RECOVERY RESIDENCES FOR PURPOSES OF REFERRALS AND TITLE PROTECTION, CREATING THE OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE, CREATING THE RECOVERY RESIDENCE CERTIFICATION GRANT PROGRAM, AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-32-721, **amend**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(3)(b) and (4)(b); and **add** (4)(e) and (4)(f) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for a person with a behavioral, mental health, or substance use disorder - cash fund - appropriation - report to general assembly - definition.

(3) (b) Notwithstanding any other provision of this section, the division, in its discretion, may transfer twenty percent of the balance of ~~moneys~~ THE MONEY in the fund into the housing investment trust fund established in section 24-32-717 (1)(a), which balance is calculated as of July 1 of the state fiscal year in which the money is transferred. For any given state fiscal year, no more than three percent of the ~~moneys~~ MONEY appropriated ~~from~~ TO the fund may be expended for the administrative costs of the division in administering the fund.

(4) (b) In conjunction with its other programs to provide assistance in obtaining housing and subject to available appropriations, the division OF HOUSING shall establish a program that provides vouchers and other support services for housing assistance for:

(I) ~~a person~~ AN INDIVIDUAL with a mental health disorder, SUBSTANCE USE DISORDER, or co-occurring behavioral health disorder who is transitioning from the department of corrections, the division of youth ~~corrections~~ SERVICES in the department of human services, A MENTAL HEALTH INSTITUTE, A PSYCHIATRIC HOSPITAL, or a county jail into the community; OR

(II) AN INDIVIDUAL WHO IS HOMELESS OR IN AN UNSTABLE HOUSING ENVIRONMENT AND IS TRANSITIONING FROM A RESIDENTIAL TREATMENT PROGRAM OR IS ENGAGED IN THE COMMUNITY TRANSITION SPECIALIST PROGRAM CREATED PURSUANT TO SECTION 27-66.5-103.

(e) IN ADDITION TO ANY MONEY APPROPRIATED TO THE DIVISION OF HOUSING PURSUANT TO SUBSECTION (4)(d) OF THIS SECTION, FOR THE 2019-20 FISCAL YEAR, AND FOR EACH OF THE FOLLOWING FOUR FISCAL YEARS, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE ONE MILLION DOLLARS FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 TO THE DIVISION OF HOUSING FOR THE VOUCHER PROGRAM SPECIFIED IN SUBSECTION (4)(b) OF THIS SECTION.

(f) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT TO THE SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE HOUSE OF REPRESENTATIVES COMMITTEES ON HEALTH AND INSURANCE AND PUBLIC HEALTH CARE AND HUMAN SERVICES, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, ON:

(I) THE NUMBER OF PROJECTS FUNDED UNDER THIS SECTION;

(II) THE NUMBER OF UNITS IN EACH PROJECT FUNDED UNDER THIS SECTION;

(III) THE NUMBER OF QUALIFIED INDIVIDUALS HOUSED AS A RESULT OF THIS SUBSECTION (4); AND

(IV) TO THE EXTENT PRACTICABLE, THE NUMBER OF INDIVIDUALS WHO, AFTER RECEIVING A VOUCHER UNDER SUBSECTION (4)(b) OF THIS SECTION, RETURNED TO THE FACILITIES FROM WHICH THE INDIVIDUALS WERE TRANSITIONING.

SECTION 2. In Colorado Revised Statutes, **add** 25-1.5-108.5 as follows:

25-1.5-108.5. Regulation of recovery residences - definition.

(1) (a) AS USED IN THIS SECTION, "RECOVERY RESIDENCE", "SOBER LIVING FACILITY", OR "SOBER HOME" MEANS ANY PREMISES, PLACE, FACILITY, OR BUILDING THAT PROVIDES HOUSING ACCOMMODATION FOR INDIVIDUALS WITH A PRIMARY DIAGNOSIS OF A SUBSTANCE USE DISORDER THAT:

(I) IS FREE FROM ALCOHOL AND NONPRESCRIBED OR ILLICIT DRUGS;

(II) PROMOTES INDEPENDENT LIVING AND LIFE SKILL DEVELOPMENT;
AND

(III) PROVIDES STRUCTURED ACTIVITIES AND RECOVERY SUPPORT SERVICES THAT ARE PRIMARILY INTENDED TO PROMOTE RECOVERY FROM SUBSTANCE USE DISORDERS.

(b) "RECOVERY RESIDENCE" DOES NOT INCLUDE:

(I) A PRIVATE RESIDENCE IN WHICH AN INDIVIDUAL RELATED TO THE OWNER OF THE RESIDENCE BY BLOOD, ADOPTION, OR MARRIAGE IS REQUIRED TO ABSTAIN FROM SUBSTANCE USE OR RECEIVE BEHAVIORAL HEALTH SERVICES FOR A SUBSTANCE USE DISORDER AS A CONDITION OF RESIDING IN THE RESIDENCE;

(II) THE SUPPORTIVE RESIDENTIAL COMMUNITY FOR INDIVIDUALS WHO ARE HOMELESS OPERATED UNDER SECTION 24-32-724 AT THE FORT LYON PROPERTY FOR THE PURPOSE OF PROVIDING SUBSTANCE ABUSE SUPPORTIVE SERVICES, MEDICAL CARE, JOB TRAINING, AND SKILL DEVELOPMENT FOR THE RESIDENTS;

(III) A FACILITY APPROVED FOR RESIDENTIAL TREATMENT BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES; OR

(IV) PERMANENT SUPPORTIVE HOUSING UNITS INCORPORATED INTO AFFORDABLE HOUSING DEVELOPMENTS.

(2) A RECOVERY RESIDENCE MAY ADMIT INDIVIDUALS WHO ARE RECEIVING MEDICATION-ASSISTED TREATMENT, INCLUDING AGONIST TREATMENT, FOR SUBSTANCE USE DISORDERS.

(3) EFFECTIVE JANUARY 1, 2020, A PERSON SHALL NOT OPERATE A FACILITY USING THE TERM "RECOVERY RESIDENCE", "SOBER LIVING FACILITY", "SOBER HOME", OR A SUBSTANTIALLY SIMILAR TERM, AND A LICENSED, REGISTERED, OR CERTIFIED HEALTH CARE PROVIDER OR A LICENSED HEALTH FACILITY SHALL NOT REFER AN INDIVIDUAL IN NEED OF RECOVERY SUPPORT SERVICES TO A FACILITY, UNLESS THE FACILITY:

(a) IS CERTIFIED BY A RECOVERY RESIDENCE CERTIFYING BODY APPROVED BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION;

(b) IS CHARTERED BY OXFORD HOUSE OR ITS SUCCESSOR ORGANIZATION;

(c) HAS BEEN OPERATING AS A RECOVERY RESIDENCE IN COLORADO FOR THIRTY OR MORE YEARS AS OF THE EFFECTIVE DATE OF THIS SECTION; OR

(d) IS A COMMUNITY-BASED ORGANIZATION THAT PROVIDES REENTRY SERVICES AS DESCRIBED IN SECTION 17-33-101 (7).

(4) THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES SHALL, BY RULE, DETERMINE THE REQUIREMENTS FOR A RECOVERY RESIDENCE CERTIFYING BODY SEEKING APPROVAL FOR PURPOSES OF SUBSECTION (3)(a) OF THIS SECTION, WHICH RULES MUST INCLUDE A REQUIREMENT THAT A RECOVERY RESIDENCE CERTIFYING BODY INCLUDE A REPRESENTATIVE FROM THE OFFICE ON ITS BOARD.

(5) A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR ADMINISTRATOR, OR AN INDIVIDUAL RELATED TO A RECOVERY RESIDENCE OWNER, EMPLOYEE, OR ADMINISTRATOR, SHALL NOT DIRECTLY OR INDIRECTLY:

(a) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT, TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE, EXCLUDING THE SUPPORTIVE SERVICES REQUIRED TO PLACE THE RESIDENT:

(I) FOR ADMISSION OF A RESIDENT, EXCEPT FOR STATE OR FEDERAL CONTRACTS THAT SPECIFICALLY REIMBURSE FOR RESIDENT FEES;

(II) FROM A TREATMENT FACILITY THAT IS LICENSED OR CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE TREATMENT OF SUBSTANCE USE DISORDERS; OR

(III) FROM A FACILITY APPROVED FOR RESIDENTIAL TREATMENT BY THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES;

(b) SOLICIT, ACCEPT, OR RECEIVE A COMMISSION, PAYMENT, TRADE, FEE, OR ANYTHING OF MONETARY OR MATERIAL VALUE FROM A TOXICOLOGY LABORATORY THAT PROVIDES CONFIRMATION TESTING OR POINT-OF-CARE TESTING FOR RESIDENTS.

SECTION 3. In Colorado Revised Statutes, **add** 27-82-114 as follows:

27-82-114. Opioid crisis recovery funds advisory committee - creation - membership - purpose. (1) THERE IS HEREBY CREATED THE

OPIOID CRISIS RECOVERY FUNDS ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS THE "COMMITTEE", WHICH IS CREATED TO ADVISE AND COLLABORATE WITH THE DEPARTMENT OF LAW ON USES OF ANY CUSTODIAL FUNDS RECEIVED BY THE STATE AS THE RESULT OF OPIOID-ADDICTION-RELATED LITIGATION AND FOR WHICH THE USE OF THE FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW.

(2) (a) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED AS FOLLOWS:

(I) THIRTEEN MEMBERS APPOINTED BY THE GOVERNOR, INCLUDING:

(A) ONE MEMBER LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF TITLE 12;

(B) ONE MEMBER LICENSED TO PRACTICE PHARMACY PURSUANT TO ARTICLE 42.5 OF TITLE 12;

(C) ONE MEMBER LICENSED TO PRACTICE AS A NURSE PURSUANT TO ARTICLE 38 OF TITLE 12;

(D) ONE MEMBER LICENSED AS A DENTIST PURSUANT TO ARTICLE 35 OF TITLE 12;

(E) ONE MEMBER LICENSED AS A VETERINARIAN PURSUANT TO ARTICLE 64 OF TITLE 12;

(F) ONE MEMBER LICENSED AS A PHYSICAL THERAPIST PURSUANT TO ARTICLE 41 OF TITLE 12;

(G) ONE MEMBER REPRESENTING A LOCAL PUBLIC HEALTH AGENCY;

(H) ONE MEMBER WHO HAS BEEN AFFECTED BY THE OPIOID CRISIS;

(I) ONE FAMILY MEMBER OF A PERSON WHO HAS BEEN AFFECTED BY THE OPIOID CRISIS;

(J) ONE MEMBER REPRESENTING AN ADVOCACY ORGANIZATION FOR PEOPLE WITH SUBSTANCE USE DISORDERS;

(K) TWO MEMBERS APPOINTED FROM NOMINEES SUBMITTED BY STATEWIDE ORGANIZATIONS REPRESENTING COUNTIES, WITH ONE MEMBER REPRESENTING THE WESTERN SLOPE AND ONE MEMBER REPRESENTING THE EASTERN PART OF THE STATE; AND

(L) ONE MEMBER FROM AN ASSOCIATION THAT REPRESENTS BEHAVIORAL HEALTH PROVIDERS;

(II) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, ONE OF WHOM MUST REPRESENT AN ASSOCIATION OF SUBSTANCE USE PROVIDERS;

(III) TWO MEMBERS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ONE OF WHOM IS A PAIN MANAGEMENT PATIENT;

(IV) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES;

(V) ONE MEMBER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

(VI) ONE MEMBER FROM THE STATE SUBSTANCE ABUSE TREND AND RESPONSE TASK FORCE, CREATED IN SECTION 18-18.5-103, APPOINTED BY THE ATTORNEY GENERAL;

(VII) ONE MEMBER FROM THE CENTER FOR RESEARCH INTO SUBSTANCE USE DISORDER PREVENTION, TREATMENT, AND RECOVERY SUPPORT STRATEGIES, CREATED IN SECTION 27-80-118 (3), APPOINTED BY THE DIRECTOR OF THE CENTER;

(VIII) ONE MEMBER FROM EACH SAFETY NET HOSPITAL THAT PROVIDES ADDICTION SERVICES, APPOINTED BY THE HOSPITAL;

(IX) ONE MEMBER FROM THE COLORADO DISTRICT ATTORNEYS' COUNCIL, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY ITS EXECUTIVE DIRECTOR;

(X) TWO MEMBERS REPRESENTING LAW ENFORCEMENT AGENCIES, ONE OF WHOM IS APPOINTED BY THE COLORADO ASSOCIATION OF CHIEFS OF

POLICE, OR ANY SUCCESSOR ORGANIZATION, AND ONE OF WHOM IS APPOINTED BY THE COUNTY SHERIFFS OF COLORADO, OR ANY SUCCESSOR ORGANIZATION; AND

(XI) ONE MEMBER REPRESENTING THE COLORADO MUNICIPAL LEAGUE, OR ANY SUCCESSOR ORGANIZATION, APPOINTED BY THE PRESIDENT OF THE EXECUTIVE BOARD OF THE COLORADO MUNICIPAL LEAGUE OR THE PRESIDENT'S DESIGNEE.

(b) THE ATTORNEY GENERAL SHALL NOTIFY THE APPOINTING AUTHORITIES IF THE STATE RECEIVES A SETTLEMENT OR DAMAGE AWARD FOR WHICH THE USE OF THE CUSTODIAL FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW. THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL APPOINTMENTS TO THE COMMITTEE NO LATER THAN NINETY DAYS AFTER RECEIVING THE NOTICE.

(3) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE OF THE APPOINTING AUTHORITY THAT APPOINTED THE MEMBER. A VACANCY SHALL BE FILLED IN THE SAME MANNER AS THE INITIAL APPOINTMENT.

(4) IF THE STATE RECEIVES CUSTODIAL FUNDS FROM A SETTLEMENT OR DAMAGE AWARD FROM OPIOID-ADDICTION-RELATED LITIGATION AND THE USE OF THE FUNDS IS NOT PREDETERMINED OR COMMITTED BY COURT ORDER OR OTHER ACTION BY A STATE OR FEDERAL COURT OF LAW, THE ATTORNEY GENERAL SHALL CONVENE AND CALL A MEETING OF THE COMMITTEE, AND ANY SUBSEQUENT MEETINGS AS NECESSARY, TO SEEK INPUT AND RECOMMENDATIONS FROM THE COMMITTEE ON THE PROPER EXPENDITURE OF THE FUNDS RECEIVED.

(5) (a) EACH MEMBER OF THE COMMITTEE SHALL MAINTAIN CONFIDENTIALITY THROUGHOUT THE PROCESS OF DETERMINING THE PROPER EXPENDITURE OF CUSTODIAL FUNDS. MEMBERS SHALL NOT DISCLOSE THE CONTENTS OF ANY REQUESTS FOR FUNDING WITH ANYONE OUTSIDE OF THE COMMITTEE.

(b) EACH COMMITTEE MEMBER SHALL AFFIRM THAT THE MEMBER DOES NOT HAVE A PERSONAL OR FINANCIAL INTEREST REGARDING ANY ORGANIZATION THAT MAY REQUEST FUNDING. MEMBERS SHALL DISCLOSE

ALL POTENTIAL CONFLICT OF INTEREST SITUATIONS TO THE ATTORNEY GENERAL BEFORE REVIEWING FUNDING REQUESTS.

SECTION 4. In Colorado Revised Statutes, **add** 27-80-122 as follows:

27-80-122. Recovery residence certification grant program - created - rules. (1) THERE IS HEREBY CREATED IN THE OFFICE OF BEHAVIORAL HEALTH IN THE DEPARTMENT THE RECOVERY RESIDENCE CERTIFICATION GRANT PROGRAM TO PROVIDE GRANTS TO RECOVERY RESIDENCES FOR THE PURPOSE OF GAINING CERTIFICATION AS A RECOVERY RESIDENCE AS REQUIRED IN SECTION 25-1.5-108.5.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO PAY FEES RELATED TO GAINING CERTIFICATION FROM AN APPROVED RECOVERY RESIDENCE CERTIFYING BODY, AS DETERMINED BY THE OFFICE PURSUANT TO SECTION 25-1.5-108.5 (4), INCLUDING THE PAYMENT OF MEMBERSHIP DUES.

(3) THE OFFICE SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION. FOR THE 2020-21 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE GENERAL FUND TO THE DEPARTMENT FOR THE PURPOSE OF THE GRANT PROGRAM.

(4) THE OFFICE SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. PURSUANT TO ARTICLE 4 OF TITLE 24, THE OFFICE SHALL PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SECTION AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

SECTION 5. Appropriation. (1) For the 2019-20 state fiscal year, \$1,000,000 is appropriated to the department of local affairs. This appropriation consists of \$173,500 from the general fund and \$826,500 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$51,675 from the general fund for use by the division of housing for personal services, which amount is based on an assumption that the division will require an additional 0.9 FTE;

(b) \$6,949 from the general fund for use by the division of housing for operating expenses;

(c) \$938,756, consisting of \$112,256 from the general fund and \$826,500 from the marijuana tax cash fund, for use by the division of housing for low income rental subsidies; and

(d) \$2,620 from the general fund for the purchase of information technology services.

(2) For the 2019-20 state fiscal year, \$2,620 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1)(d) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

(3) For the 2019-20 state fiscal year, \$50,000 is appropriated to the department of human services for use by the office of behavioral health. This appropriation is from the general fund. To implement this act, the office may use this appropriation for the recovery residence certification grant program.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO